

REMARKS

Claim Rejections - 35 U.S.C. §102(b) – Claims 1, 3, 17, 18, and 20

Claims 1, 3, 17, 18, and 20 are pending in the present application and were rejected in the Office action dated January 17, 2006 under 35 U.S.C. § 102(b) as being anticipated by the Hiraka reference (U.S. Patent No. 5,835,935), (hereinafter “Hiraka”). Applicants respectfully traverse this rejection. However, in order to provide clarification, claims 1, 17, and 20 have been amended. Claims 1, 17, and 20 are independent claims. Claim 3 depends from independent claim 1; and claim 18 depends from independent claim 17. For brevity, only the bases for the rejection of the independent claims are traversed in detail on the understanding that the dependent claims are also patentably distinct over the cited references, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of their respective independent claims, provide further, separate, and independent bases for patentability.

The Examiner has stated that Hiraka discloses each and every element of the claimed invention. However, upon closer examination, it appears that Hiraka discloses an apparatus very different from the claimed invention. Specifically, in Hiraka, one or more empty blocks are searched among blocks BL0 (i.e., block 0) to BL511 (i.e., block 511), as shown in Fig. 3, using an “empty block table,” as shown in Fig. 6. Each of the blocks BL0 to BL511 correspond to one of the bits on the empty block table. Whether or not a block is free is determined by the value of each bit (e.g., “0” (not empty) or “1” (empty)) in the empty block table. See Col. 6, lines 58-67 of Hiraka. When the empty block table is initialized, a conversion table address showing a logical block address is checked, which is written in a redundant area of each block. See Col. 6, lines 23-40 of Hiraka. Therefore, the memory apparatus of Hiraka is adapted to searching for empty blocks having no data written therein from among a group of blocks.

To the contrary, in the claimed invention, free page(s) are searched within a physical block. Therefore, the claimed invention is configured to search a target that is fundamentally different from the target to be searched in the Hiraka reference. For example, as shown in Figure 9 of the claimed invention, the controller 3 can determine, based on the start page data 33 written in each of pages #0 to #31, that pages #5 to #31 of the physical block are free pages. Additionally, the controller 3 then

concludes that data can be stored in the pages #5 to #31. See paragraph [0221] of the publication of the captioned application. Thus, in the claimed invention, free page(s) within a block where user data is written are searched, while in the Hiraka reference, empty block(s) where no user data is written are searched. Therefore, the claimed invention is configured to search a target that is fundamentally different than that which the apparatus of the Hiraka reference is configured to search.

Moreover, the manner in which the claimed invention performs its search is also unmistakably different than the manner in which the apparatus of the Hiraka reference performs its search. In the claimed invention, a redundant area of each page is directly searched, while the apparatus of the Hiraka reference performs an indirect search by accessing an “empty block table” that is supposed to translate information regarding whether blocks are empty or not empty. Thus, the apparatus of the Hiraka reference merely accesses a table, in contrast to the claimed invention, which actually directly searches a redundant area of each page.

Additionally, in the Hiraka reference, a logic block address written in the redundant area is checked only when the empty block table is initialized. This is in stark contrast to the claimed invention in which the redundant area of each page is directly searched every time that a search is performed for free page(s) within a block where user data is written.

Thus, the Hiraka patent does not teach or suggest each and every element of the claimed invention. Accordingly, Applicants respectfully submit that the 35 U.S.C. § 102(b) rejection of claims 1, 3, 17, 18, and 20 as anticipated by Hiraka has been overcome.

CONCLUSION

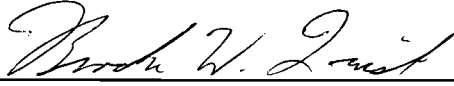
Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, it is believed clear that the differences between the claimed invention and the cited references are such that the claimed invention is patentably distinct over the cited references. Therefore, consideration and allowance of claims 1, 3, 17, 18, and 20 is believed to be in order, and an early Notice of Allowance to this effect is respectfully requested.

Applicants submit herewith the required fees for RCE and 3-month extension of time. The Commissioner is hereby authorized to charge any additional required fees from Deposit Account No. 502811, Deposit Account Name BROWN RAYSMAN MILLSTEIN FELDER & STEINER.

If the Examiner should have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8319. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:30 PM Pacific Time.

Respectfully submitted,

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